

REMARKS/ARGUMENTS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-15, drawn to methods of making amino acids;
- Group II: Claim 16, drawn to an *Enterobacteriaceae* microorganism with an attenuated pox B gene and having resistance to  $\alpha$ -amino- $\beta$ -hydroxyvaleric acid;
- Group III: Claims 17-18, drawn to strain MG442 $\Delta$ poxB and plasmid pMAK705 $\Delta$ poxB;
- Group IV: Claim 19, drawn to pMW218gdhA;
- Group V: Claim 20, drawn to pMW219rhtC; and
- Group VI: Claims 21-22, drawn to polynucleotides comprising SEQ ID NO:4 (a pox B deletion mutant gene) and *Enterobacteriaceae* containing said polynucleotides.

Applicants elect, with traverse, Group I, Claims 1-15.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exist in searching all of the claims.

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Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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